



Calaveras County *Environmental Management Agency*

Brad Banner ♦ Agency Administrator / Director of Environmental Health
891 Mountain Ranch Road, San Andreas, CA 95249
Phone: 209-754-6399 Fax: 209-754-6722

October 1, 2018
System No. CA0500095

Foothill Community Church
Attn: Larry Stratton, Board Contact
484 Live Oak Drive
Angels Camp, CA 95222

CITATION FOR NON-COMPLIANCE **2017 ANNUAL REPORT TO THE DRINKING WATER PROGRAM** **Foothill Community Church**

Enclosed is a Citation, issued to the Foothill Community Church water system . Please note there are legally enforceable deadlines associated with this Citation.

The Foothill Community Church water system will be billed at the Calaveras County Environmental Health Department LPA (hereinafter LPA), hourly rate for the time spent on issuing this Citation. California Health and Safety Code (hereinafter "CHSC"), section 116577, provides that a public water system must reimburse the LPA for actual costs incurred by the LPA for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a Citation. At this time, the LPA has spent approximately 1.0 hour(s) on enforcement activities associated with this violation.

The Foothill Community Church water system will receive a bill sent from the LPA in the billing month of the next fiscal year. This bill will contain fees for any enforcement time spent on the Foothill Community Church water system for the current fiscal year.

Any person who is aggrieved by a Citation issued by the LPA may file a petition with the State Water Resources Control Board (State Water Board) for reconsideration of the Citation. Petitions must be received by the State Water Board within 30 calendar days of the issuance of the Citation. The date of issuance is the date when the LPA mails or serves a copy of the Citation, whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact the Environmental Health Department of my staff at 209 754 6399 or me at 209 754 6744.

Sincerely,

Stephanie Hessler
209 754 6887

cc: Lisa Medina 209 754 6744

Citation

Calaveras County

Environmental Health LPA

Name of Public Water System: Foothill Community Church

Water System No: CA0500095

Attention: Foothill Community Church

Attn: Larry Stratton, Board Contact

484 Live Oak Drive

Angels Camp, CA 95222

Issued: May 29, 2018

CITATION FOR VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE

DIVISION 104, PART 12, CHAPTER 4, ARTICLE 7, SECTION 116530

FAILURE TO SUBMIT 2017 ANNUAL REPORT

The California Health and Safety Code (hereinafter "CHSC") section 116650 authorizes the Calaveras County Environmental Health Department LPA (hereinafter "LPA"), to issue a citation to a public water system when the LPA determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder. The LPA acting by and through its primacy delegation from the State Water Resources Control Board hereby issues this Citation (hereinafter "Citation"), pursuant to Section 1166330(f) and 116650 of the CHSC to the Foothill Community Church water system

1 (hereinafter "System" for violation of CHSC, Division 104, Part 12, Chapter 4, Article 7,
2 Section 116530.

3
4 A copy of the applicable statutes and regulations are included in Appendix 1, which is
5 attached hereto and incorporated by reference.

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7 **STATEMENT OF FACTS**

8 The System operates under Water Supply Permit No. CA0500095, issued by the LPA.

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10 Pursuant to Section 116530 of the CHSC, the System must submit a technical report
11 to the LPA when requested. The LPA has established a requirement for public water
12 system to annually submit a technical report specifying contact and operational
13 information for the prior calendar year. On April 25, 2018, the LPA sent to all public
14 water systems a notification that the Annual Report for Calendar Year 2017 was due to
15 be submitted by July 1, 2018. This notice also included instructions on how to submit
16 the report electronically to the LPA. The System failed to submit the report by the due
17 date. On April 25, 2018, the LPA sent a notice to the System that its 2017 Annual
18 Report was past due. As of the date of this Citation, the LPA has not received the report
19 from the System.

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23 **DETERMINATION**

24 The System has failed to submit an electronic Annual Report for the Calendar year
25 2017. Consequently, the LPA has determined that the System violated CHSC, Division
26 104, Part 12, Chapter 4, Article 7, section 116530.

DIRECTIVES

The System is hereby directed to take the following actions:

1. On or before **October 15, 2018** complete an Annual Report for 2017 and submit it to the LPA at <http://drinc.ca.gov/ear> in accordance with the instructions provided in the notice contained in Appendix 2.
2. On or before **October 15, 2018** complete and return to the LPA the "Notification of Receipt" form attached to the Citation at Appendix 3. Completion of this form confirms that the System has received this Citation and understands that it contains legally enforceable directive(s) with due dates.

All submittals required by this Citation, with the exception of the 2017 Annual Report shall be electronically submitted to the LPA reference at the following address.

Lisa Medina, Environmental Health Manager

dwplpa35@waterboards.ca.gov – or –

Stephanie Hessler

shessler@co.calaveras.ca.us –or-

891 Mountain Ranch Rd, San Andreas, CA 95249

The subject line for all electronic submittals corresponding to this Citation shall include the following information: Water System name and number, citation number and title of the document being submitted.

1 The LPA reserves the right to make such modifications to this Citation as it may deem
2 necessary to protect public health and safety. Such modifications may be issued as
3 amendments to this Citation, and shall be deemed effective upon issuance.

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5 Nothing in this Citation relieves the System of its obligation to meet the requirements of
6 the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with
7 Section 116270), or of any regulation, standard, permit or order issued or adopted
8 thereunder.

10 **PARTIES BOUND**

11 This Citation shall apply to and be binding upon the System, its owners, shareholders,
12 officers, directors, agents, employees, contractors, successors, and assignees.

14 **SEVERABILITY**

15 The directives of this Citation are severable, and the System shall comply with each
16 and every provision thereof, notwithstanding the effectiveness of any other provision.

18 **FURTHER ENFORCEMENT ACTION**

19 The California SDWA authorizes the LPA to: issue a citation with assessment of
20 administrative penalties or an order to a public water system for violation or continued
21 violation of the requirements of the California SDWA or any regulation, permit, standard,
22 citation or order issued or adopted thereunder including, but not limited to, failure to
23 correct a violation identified in a citation or compliance order. The California SDWA
24 also authorizes the LPA to take action to suspend or revoke a permit that has been
25 issued to a public water system if the system has violated applicable law or regulations
26 or has failed to comply with an order of the LPA; and to petition the superior court to
27 take various enforcement measures against a public water system that has failed to

1 comply with an order of the LPA. The LPA does not waive any further enforcement
2 action by issuance of this Citation.

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5 _____
6 Stephanie Hessler, REHS

_____ Date

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9 **Appendices**

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11 1. Applicable Authorities
12 2. 2016 Annual Report Notification
13 3. Notification of Receipt form
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NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271 states in relevant part:

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

(1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter

4 of Part 1 of Division 101).

(2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.

(3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.

(4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).

(5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.

(6) Chapter 7 (commencing with Section 116975).

(7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).

(8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).

(9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.

(10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).

(11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).

(12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k) (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.

(2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to

reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

Section 116275 states in relevant part:

- (b) "Department" means the state board.
- (ab) "State board" means the State Water Resources Control Board.
- (ac) "Deputy director" means the deputy director appointed by the state board pursuant to subdivision (k) of Section 116271.

Section 116330 states in relevant part:

- (f) The local primacy agency shall act for the department as the primary agency responsible for the administration and enforcement of this chapter for the specified public water systems and shall be empowered with all of the authority granted to the department by this chapter over those water systems.

Section 116530 states:

A public water system shall submit a technical report to the department as part of the permit application or when otherwise required by the department. This report may include, but not be limited to, detailed plans and specifications, water quality information, and physical descriptions of the existing or proposed system, and financial assurance information.

Section 116555 states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
 - (1) Complies with primary and secondary drinking water standards.
 - (2) Will not be subject to backflow under normal operating conditions.
 - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116650 states in relevant part:

- (a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

Section 116701 (Petitions to Orders and Decisions) states:

(a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.

(f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

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Citation

Name of Water System: Foothill Community Church

System Number: CA0500095

Certification

I certify that I am an authorized representative of the Foothill Community Church Water System and that this Citation was received on _____. Further I certify that the Citation has been reviewed by the appropriate management staff of the Foothill Community Church Water System and it is clearly understood that this Citation contains legally enforceable directives with specific due dates.

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE
Calaveras County Environmental Health Department, NO LATER THAN
October 15, 2018.**

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.